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November 8, 2024 **The Court notes that it anticipates
 issuing a decision shortly.**

Dated: November 25, 2024
White Plains, NY

SO ORDERED:

NELSON S. ROMÁN
 United States District Judge

VIA ECF

Hon. Nelson S. Román
 United States District Court, Southern District of New York
 300 Quarropas Street
 White Plains, New York 10601

Re: *Palisades Estates EOM, LLC, et al. v County of Rockland, New York, et al.*
Case No. 7:23-cv-04215-NSR

Dear Judge Román:

We represent Plaintiffs in the above-referenced action. We are in receipt of the letter filed by Defendants on November 7, 2024 (ECF Doc. No. 407), which actually supports why the pending motions should be decided and the case should proceed to discovery.

The Court plainly has subject matter jurisdiction over this case and Plaintiffs' Second Amended Complaint (the "SAC") clearly states claims upon which relief can be granted. Defendants' motion to dismiss the SAC is otherwise largely predicated on the notion that this Court should abstain in favor of ongoing state proceedings – an argument that some Defendants have withdrawn and others eventually will withdraw as those state proceedings are resolved, all without prejudice to Plaintiffs' claims in this action. What Defendants do not say is that this Court will be the only forum to hear Plaintiffs' claims.

New York City's anticipated resettlement of Asylum Refugees has no bearing on this Court's ability to determine Plaintiffs' claims and only emphasizes the need for discovery to begin promptly -- as this matter will become less pressing for witnesses, who will move on to other matters in their jurisdictions and be less likely to recall facts and communications or locate relevant documents.

While Defendants accuse Plaintiffs of "delay," it is simply not true. Plaintiffs have waited, patiently and respectfully, since December 22, 2023, for the Court to rule on the pending motions. The passage of time and the discontinuance of certain of the State Court matters necessitates that this case proceed. Accordingly, Plaintiffs reiterate their request for a Rule 26(f) scheduling conference so that the parties can confer on the subjects required by Rule 26, propose a discovery plan, facilitate a scheduling order, and commence discovery.

Respectfully submitted,

Todd E. Soloway

USDC SDNY
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cc: All counsel (via ECF)

MEMO ENDORSED